

REMARKS

1. Status of Claims

Claims 19-44 were pending in the Application. Applicants have not further amended the claims. Applicants respectfully request consideration of the enclosed remarks. Accordingly, claims 19-44 will remain pending in the application.

2. Rejections under 35 USC § 103(a)

In section 5 of the Office Action, the Examiner rejected Claims 19-22, 24, 26-31 and 41 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094") and U.S. Patent Application Publication No. 2002/0140755 A1 by Hetzer, et al. ("Hetzer '755").

Applicants respectfully traverse the rejection.

Applicants respectfully submit with regard to previously amended claims 19 and 31 that none of the cited references, alone or in proper combination teach or suggest at least the following elements:

using an encryption key determined using the obtained data that enabled identification and authentication of the print member,

means for sending the franking data and the encrypted signature to the printing unit in a second communication mode and for including a control signal with printing control signals.

Applicants further traverse the combination. One of skill in the art would not look to Strand '094 to modify Paushinger as they are not analogous art (Strand '094 describes liquid chromatography systems and one of skill in the franking machine printing arts would not look to it in order to modify Paushinger). Additionally, Paushinger does not teach or suggest two communication modes and thus one of skill in the art would not look to Strand to suggest securing communication to the cartridge.

Moreover, contrary to the Examiner's assertion, Hetzer '755 does not teach or suggest including control signals, but only print data signals.

With regard to claims 22 and 44, Applicants respectfully submit that the positively recited element referenced must be afforded patentable weight and is not taught or fairly suggested in the prior art.

With regard to claims 18 and 29, Applicants respectfully submit that the positively recited allegedly non-functional and descriptive element referenced must be afforded patentable weight and is not taught or fairly suggested in the prior art.

Dependent claims 20-22, 24, 26-30 and 44 are also patentable over the cited references for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 19-22, 24, 26-31 and 41.

In section 16 of the Office Action, the Examiner rejected Claim 23 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094"); U.S. Patent Application Publication No. 2002/0140755 A1 by Hetzer, et al. ("Hetzer '755"); alleged Official Notice and U.S. Patent Application Publication No. 2003/0006878 A1 by Chung ("Chung '878").

Applicants respectfully traverse the rejection that is apparently based upon the combination of six references. Applicants respectfully submit that the cited references do not teach or fairly suggest each claimed element even if properly combined and further that the Examiner is using impermissible hindsight in using the Applicants disclosure to piece together non-analogous references without providing a basis for doing so.

Applicants have previously respectfully disagrees with the statement Official notice, particularly as combined and request a reference. Applicants are not aware of an ID tag substrate so attached. Dependent claim 23 is also patentable over the cited references for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 23.

In section 18 of the Office Action, the Examiner rejected Claim 25 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094"); U.S. Patent Application Publication No. 2002/0140755 A1 by Hetzer, et al. ("Hetzer '755"); and alleged Official Notice.

Applicants respectfully traverse the rejection.

Applicants respectfully submit that the cited references do not teach or suggest the tag attached to the exterior of the cartridge. Applicants do not dispute the limited Official Notice that "data-generating units including RF transceivers are known" but dispute any extension of such notice and dispute the combination.

Dependent claim 25 is also patentable over the cited references for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 25.

In section 20 of the Office Action, the Examiner rejected Claims 32-41 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US

6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094"); U.S. Patent Application Publication No. 2002/0140755 A1 by Hetzer, et al. ("Hetzer '755"); and U.S. Patent No. 6,325,488 B1 to Beerling, et al. ("Beerling '488").

Applicants respectfully traverse the rejection.

Applicants respectfully submit that the cited references alone or in proper combination do not teach or suggest each recited element of the claim. Moreover, Applicants respectfully note that Beerling '488 specifically requires an essentially rigid substrate (See Col. 3, line 8) and thus is not properly combined.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 32-41.

In section 24 of the Office Action, the Examiner rejected Claims 42-43 under 35 U.S.C. 103(a) as allegedly rendered obvious by United States Patent No. US 6,978,255 B1 to Pauschinger, et al. ("Pauschinger '255") in view of United States Patent No. US 6,041,704 to Pauschinger ("Pauschinger '704") in further view of U.S. Patent Application Publication No. 2002/0199094 A1 by Strand ("Strand '094"); and U.S. Patent No. 6,325,488 B1 to Beerling, et al. ("Beerling '488") and alleged Official Notice.

Applicants respectfully traverse the rejection.

Applicants again respectfully dispute the official notice because it does not appear limited to something old and well-known and respectfully request a reference. Applicants also dispute any combination of intended material taken by Official Notice particularly as regards the particular configuration of the two channels.

Moreover, Applicants respectfully note that Beerling '488 specifically requires an essentially rigid substrate (See Col. 3, line 8) and thus is not properly combined.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 42-43.

Accordingly, Applicants respectfully submit that claims 19-44 are patentable over the cited references and in condition for allowance.

3. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

4. Authorization

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. S-215.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. S-215.

Respectfully submitted,
/George M. Macdonald/

George M. Macdonald
Reg. No. 39,284
Attorney of Record
Telephone (203) 924-3180
PITNEY BOWES INC.
Intellectual Property and Technology Law Department
35 Waterview Drive, P.O. Box 3000
Shelton, CT 06484-8000